



**In the United States Patent and Trademark Office**

APPLICANT(S): Tsuyoshi Ohyama, et al. ATTORNEY DOCKET NO.: 09792909-5730

SERIAL NO.: 10/714,133 GROUP ART UNIT: 2871

DATE FILED: November 14, 2003 EXAMINER: A. Schechter

INVENTION: "METHOD OF MANUFACTURING A LIQUID CRYSTAL DISPLAY  
HAVING A PATTERNED RETARDATION FILM  
(As Amended)"

**Affidavit Under 37 CFR 1.131**

S I R:

We, Tsuyoshi Ohyama, Masato Imai, and Kazuyuki Endo (herein after 'We' or 'Affiant') hereby declare as follows:

1. We are the named inventors of the subject matter that is claimed and for which a patent is sought on the invention as identified above.

2. In the Office Action having a mailing date of 13 March 2007, the Examiner presented U.S. Patent No. 6,731,360 by *Roosendaal, et al.* ("*Roosendaal*") as grounds for obviousness to reject certain claims.

3. We have reviewed and understand the contents of the cited patent.

4. This written document is an affidavit of prior invention to overcome the cited patent. As the only inventors of the subject matter of the rejected claims, we hereby submit this oath to overcome *Roosendaal*.

**I. Showing of Facts Through Document Evidence**

5. *Roosendaal* has a U.S. filing date of 26 August 2002.

6. Below are facts that show a conception of the invention on or before 26 February 2002, which pre-dates *Roosendaal*'s U.S. filing date of 26 August 2002, coupled with due diligence from such conception to a subsequent constructive reduction to practice via filing of the present application.

**A. Facts establishing conception**

7. We present the following facts to establish a conception of the invention on or before February 26, 2002, which pre-dates *Roosendaal*'s U.S. filing date of 26 August 2002.

**1. Conception**

8. We allege the present application for a U.S. patent claims the same invention disclosed in Japanese Application No. 2002-049163 ("JP '163 application") filed on 26 February 2002.

9. The present application claims priority to Japanese Application No. 2002-333364 ("JP '364 application"), which was filed in Japan on 18 November 2002. The JP '364 is a continuation application of the JP '163 application, which was filed in Japan on 26 February 2002. The JP '163 was abandoned at the time of filing the JP '364 application.

10. The JP '364 application and the JP '163 application share a similar specification.

11. The basic inventive concept of the present application is the method for manufacturing a liquid crystal display as recited in the claims by forming a retardation film on an alignment film and patterning the retardation film to have a phase difference that differs between a reflective area and a transmissive area.

12. The JP '163 application shows this claimed subject matter. Thus, the subject matter claimed in the present application was disclosed in the JP '163 application. Therefore, the claimed subject matter was conceived at least as early 26 February 2002, which is the filing date of the JP '163 application.

13. A certified translation of the JP '163 application has been submitted in the present application.

## **2. U.S. filing date of *Roosendaal***

14. As indicated on the face of the *Roosendaal* patent, the date on which *Roosendaal* was available as prior art under 35 U.S.C. 102(a) or (e) was 26 August 2002, namely, the U.S. filing date. Accordingly, the date to overcome is 26 August 2002.

## **3. On or before the U.S. filing date of *Roosendaal***

15. We allege that the acts relied upon to establish the date on or before *Roosendaal* occurred on or before 26 August 2002. Namely, the JP '163 application was filed on 26 February 2002, prior to *Roosendaal*'s U.S. filing date of 26 August 2002.

## **B. Facts establishing reduction to practice**

16. We present the following facts to establish a reduction to practice.

17. Applicants filed the JP '163 application in Japan on 26 February 2002.

18. Around nine months later, Applicants filed the JP '364 application in Japan on 18 November 2002. The JP '364 application is a continuation application of the JP '163 application. The JP '163 application was abandoned at the time of filing the JP '364 application.

19. The JP '364 application and the JP '163 application share a similar specification.

20. The present application was filed in the U.S. on 14 November 2003, less than one year after the filing date of the JP '364 application. The present application claims priority to the JP '364 application.

21. Therefore, constructive reduction to practice was achieved.

**C. Facts establishing reasonable diligence**

22. We present the following facts to establish that there was reasonable diligence from on or before 26 February 2002 and the constructive reduction to practice.

23. As noted above, conception occurred on or before the 26 February 2002 when we filed the JP '163 application in Japan. Around nine months later, we filed the JP '364 application in Japan on 18 November 2002. The JP '364 application is a continuation application of the JP '163 application.

24. The present application was filed in the U.S. on 14 November 2002, less than one year after the filing date of the JP '364 application. The present application claims priority to the JP '364 application.

25. We assert there was reasonable diligence from conception to reduction to practice.

26. The time period taken for completion of the application for foreign filing constitutes reasonable diligence. During this time period, Affiant and Affiant's representatives worked reasonably hard and expeditiously to prepare, execute, and file an application in Japan. Accordingly, there was reasonable diligence from on or before the 26 February 2002 filing date of the '163 application to the 14 November 2002 filing of the JP '364 parent application of the present invention in Japan.

**II. Allegations and other statements**

27. We allege that the acts relied upon to establish an invention date on or before *Roosendaal* were carried out in Japan.

**III. Signatures and Declaration in Lieu of Oath Under 37 CFR 1.68**

28. We hereby declare that the statements made of our own knowledge are true and that all statements made on information and belief are believed to be true. We acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Tsuyoshi Ohyama

Tsuyoshi Ohyama

Date: 25 July 2007

Masato Imai

Masato Imai

Date: 26 July 2007

Kazuyuki Endo

Kazuyuki Endo

Date: 25 July 2007